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**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

PAUL STRASTERS and ZADELLE  
STRASTERS, a married couple,  
  
Plaintiffs

V.

WEINSTEIN & RILEY, P.S. and  
WELLS FARGO BANK, N.A. a  
nationally chartered bank  
holding company;  
  
Defendants.

CASE NUMBER: CV-10-3070-RHW

WEINSTEIN & RILEY, P.S.' REPLY  
IN SUPPORT OF MOTION TO STRIKE

**REPLY BRIEF IN SUPPORT OF WEINSTEIN & RILEY, P.S.'**  
**MOTION TO STRIKE**

COMES NOW, Weinstein & Riley, P.S. ("W&R"), Defendant in  
the above-styled and numbered action, who hereby replies as  
follows:

**I. REPLY**

Plaintiffs' response to W&R's motion to strike is factually  
and legally inaccurate and W&R's motion should be granted.

Plaintiffs first state that mediation occurred the day  
before their response brief was due. Nowhere in the rules does

1 court-ordered mediation extend timelines for responses.  
2 Furthermore, mediation does not prevent a party from responding,  
3 as required by the rules.

4 Second, Plaintiffs submitted untimely discovery requests on  
5 November 16, 2010, as no Fed. R. Civ. P. 26(f) conference had  
6 yet occurred, and therefore discovery requests were improper  
7 pursuant to Rule 26(d)(1). Plaintiffs properly served discovery  
8 requests on May 24, 2011, to which W&R has timely responded.  
9 Plaintiffs are attempting to improperly imply that W&R somehow  
10 stonewalled discovery when this is untrue.  
11

12 Third, and least relevant to this motion to strike, W&R's  
13 motion for summary judgment is proper and should be granted.  
14 Plaintiffs' fixation on the lack of some supporting affidavit is  
15 misplaced, as interpretation of contracts starts with the four  
16 corners of the document. *See Hearst Commc'ns, Inc. v. Seattle*  
17 *Times Co.*, 154 Wn.2d 493, 503, 115 P.3d 262 (2005).  
18

19 Finally, Local Rule 7.1(e) provides that failure to file an  
20 opposition to a motion may be considered as consent to the entry  
21 of an order adverse to the party in default. To the extent that  
22 Plaintiffs disagree with Local Rule 7.1(e), their remedy, if  
23 any, is by an appeal to overturn the Local Rule.  
24

## 25 **II. CONCLUSION**

26 Plaintiffs have ignored the warning of this Court and again  
27 filed an untimely response to a dispositive motion.  
28

1 WHEREFORE, for the foregoing reasons, Defendant Weinstein &  
2 Riley, P.S. respectfully requests that this Court strike  
3 Plaintiff's response to Defendant's motion for summary judgment  
4 as untimely.

5 Dated: June 28, 2011

6 Respectfully Submitted,

7  
8 s/ Jason D. Anderson  
9 Jason D. Anderson  
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16 Attorney for Defendant Weinstein &  
17 Riley, P.S.

18 **CERTIFICATE OF SERVICE**

19 The undersigned certifies that on June 28, 2011, a copy of  
20 the foregoing was electronically transmitted to the Clerk's  
21 Office using the CM/ECF System for filing and transmittal of a  
22 Notice of Electronic Filing to the following CM/ECF registrants:

23 Robert J. Reynolds  
24 Robert J. Reynolds, P.S.  
25 514 North 1<sup>st</sup> Street Suite A  
26 Yakima, WA 98901  
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Attorney for Plaintiffs Paul and Zabelle Strasters

By: s/ Jason D. Anderson